

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

04/29/2002

CLERK OF THE COURT
FORM L000

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

LC 2001-000781

FILED: _____

STATE OF ARIZONA

GERALD R GRANT

v.

JAMES LAROY SALINE II

JAMES LAROY SALINE II
C/O 801 20TH AVE #3
SAFFORD AZ 85546-0000

PHX JUSTICE CT-NE
REMAND DESK CR-CCC

MINUTE ENTRY

NORTHEAST PHOENIX JUSTICE COURT

Cit. No. 0324993; 0324994

Charge: B. FAILURE TO PROVIDE PROPER ID
C. NO CURRENT REGISTRATION
D. NO MANDATORY INSURANCE
E. FAILURE TO TRANSFER TITLE (30 DAYS)

C. EXPIRED DRIVERS LICENSE

DOB: 06/06/44

DOC: 05/05/01

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This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This matter has been under advisement and the Court has considered and reviewed the record of the proceedings from the trial Court, exhibits made of record and the Memoranda submitted.

Appellant, James Laroy Saline II, has entitled his Memorandum "Special Appearance Petition for Injunction or Mandate; For Declaration of The Law; and Appeal from N.E. Justice Court Proceedings Had Without Jurisdiction". This Court will consider that document the Appellant's memorandum. As in the Justice Court, Appellant challenges the jurisdiction of the Northeast Phoenix Justice Court. Appellant's objections to the jurisdiction of that court are meritless garbage. Clearly, the Northeast Phoenix Justice Court had subject matter jurisdiction as provided in the Arizona Constitution and Title 12 of the Arizona Revised Statutes.

The next issue raised by the Appellant concerns the sufficiency of the evidence to warrant the convictions and findings of responsibility. When reviewing the sufficiency of the evidence, an appellate court must not re-weigh the evidence to determine if it would reach the same conclusion as the original trier of fact.¹ All evidence will be viewed in a light most favorable to sustaining a conviction and all reasonable inferences will be resolved against the Defendant.² If conflicts in evidence exists, the appellate court must resolve such conflicts in favor of sustaining the verdict and against the Defendant.³ An appellate court shall afford great weight to the

¹ *State v. Guerra*, 161 Ariz. 289, 778 P.2d 1185 (1989); *State v. Mincey*, 141 Ariz. 425, 687 P.2d 1180, cert.denied, 469 U.S. 1040, 105 S.Ct. 521, 83 L.Ed.2d 409 (1984); *State v. Brown*, 125 Ariz. 160, 608 P.2d 299 (1980); *Hollis v. Industrial Commission*, 94 Ariz. 113, 382 P.2d 226 (1963).

² *State v. Guerra*, supra; *State v. Tison*, 129 Ariz. 546, 633 P.2d 355 (1981), cert.denied, 459 U.S. 882, 103 S.Ct. 180, 74 L.Ed.2d 147 (1982).

³ *State v. Guerra*, supra; *State v. Girdler*, 138 Ariz. 482, 675 P.2d 1301 (1983), cert.denied, 467 U.S. 1244, 104 S.Ct. 3519, 82 L.Ed.2d 826 (1984).

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trial court's assessment of witnesses' credibility and should not reverse the trial court's weighing of evidence absent clear error.⁴ When the sufficiency of evidence to support a judgment is questioned on appeal, an appellate court will examine the record only to determine whether substantial evidence exists to support the action of the lower court.⁵ The Arizona Supreme Court has explained in State v. Tison⁶ that "substantial evidence" means:

More than a scintilla and is such proof as a reasonable mind would employ to support the conclusion reached. It is of a character which would convince an unprejudiced thinking mind of the truth of the fact to which the evidence is directed. If reasonable men may fairly differ as to whether certain evidence establishes a fact in issue, then such evidence must be considered as substantial.⁷

This Court finds that the trial court's determination was not clearly erroneous and was supported by substantial evidence.

The trial judge should be complimented upon his patience throughout the trial of Appellant. Appellant made numerous objections and interruptions that were not legal objections. Nevertheless, the trial judge patiently explained correct legal procedures to Appellant and attempted to focus Appellant's attention on those legal and factual issues that were pertinent to the trial court's determination. The trial judge did an excellent job in a difficult case.

⁴ In re: Estate of Shumway, 197 Ariz. 57, 3 P.3rd 977, review granted in part, opinion vacated in part 9 P.3rd 1062; Ryder v. Leach, 3 Ariz. 129, 77P. 490 (1889).

⁵ Hutcherson v. City of Phoenix, 192 Ariz. 51, 961 P.2d 449 (1998); State v. Guerra, supra; State ex rel. Herman v. Schaffer, 110 Ariz. 91, 515 P.2d 593 (1973).

⁶ SUPRA.

⁷ Id. At 553, 633 P.2d at 362.

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IT IS ORDERED affirming the judgments of guilt and responsibility and sentences imposed.

IT IS FURTHER ORDERED remanding this matter back to the Northeast Phoenix Justice Court for all further and future proceedings.